



**Zoning Board of Appeals Minutes
Tuesday, August 17, 2021
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
425 East State Street
Rockford, IL 61104
779-348-7423**

Present:

ZBA Members:

Dan Roszkowski
Kim Johnsen
Jennifer Spencer
Craig Sockwell
Jennifer Smith
Tom Fabiano

Absent:

Maurice Redd

Staff:

Angela Hammer- City Attorney
Leisha Kury - Administrative Assistant
Scott Capovilla - Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Jeremy Carter - Traffic Engineer

Others:

Christine Vitosh-Court Stenographer (Hansen Recording)
Tuffy Quinonez - Alderman
Gabrielle Torina - Alderman
Karen Hoffman – Alderman
Linda McNeely – Alderman
Aprel Prunty – Alderman
Gina Meeks - Alderman
Mark Bonne - Alderman
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.

- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, August 23, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Tuesday, September 7, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, **September 21, 2021**. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:52 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the July 20, 2021 meeting minutes. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 3-0 with 3 abstaining.

ZBA 003-21

Applicant
Ward 1

111 South Perryville Road

Lamar Advertising

Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District (**Referred back to ZBA by City Council**)

Prior to the meeting, the Applicant requested a layover for this item.

A **MOTION** was made by Jennifer Smith to **LAYOVER** a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZBA 024-20

Applicant

Wards 5 & 11

311 15th Avenue, 1706 Magnolia Street, 1611 & 1711 Seminary Street

Attorney Sherry Harlan for International Women's Baseball Center and Rockford Park District

Special Use Permit for a Planned Unit Development for a museum campus, activities center, baseball field and parking lot in an I-1, Light Industrial Zoning District and R-2, Two-family Residential Zoning District
Laid over from July

The Applicant, Attorney Sherry Harlan, was present. Attorney Harlan stated she is representing the International Women's Baseball Center (IWBC) and the Rockford Park District and presenting this project

on their behalf. In 2016, land was donated to the IWBC on the west side of Seminary Street across from Beyer Park. Attorney Harlan shared a copy of the deed with the ZBA. Also, she stated that Winnebago County received a \$175,000 grant. The grant money was used to help demolish the buildings on the donated site as well as for some environmental clean-up. Attorney Harlan explained the layout of the Planned Unit Development. A 12,000 square foot activity center will be located on the west side of the property on proposed Lot 1. The center will be used for educational purposes and will have indoor batting cages so youth can practice year round. A parking lot will also be located on the proposed Lot 1. Lot 2 is the proposed location for the museum center and also the original ticket booth. The ticket booth is important because it represents the Rockford Peaches, as well as other people who played at Beyer Field. An outdoor museum will also be on Lot 2 and it will draw attention to the project. Nine (9) pylon monuments will be installed which represent the 9 innings of baseball. The first monument will be dedicated to Penny Marshall and the second monument will represent all the women of color who played baseball and did not get a lot of recognition. The museum building will be approximately 10,000 square feet but it has not been fully designed. Attorney Harlan stated they agree to comply with all of staff recommendations and follow the city's ordinances. Attorney Harlan stated she would like to clarify the concerns that were discussed at the Historic Preservation Commission meeting. Attorney Harlan explained the ticket booth would remain as is along with the stairs to the field, they will preserve it, and it will not be altered in any way without approval from the Historic Preservation Commission. There are some trees behind the ticket booth that will be removed, as this will give everyone a better view of the ticket booth from either direction. Attorney Harlan stated another concern was the walking bridge connection from the outdoor monuments to the indoor museum. The clearance underneath the bridge is about a seven (7) feet. Attorney Harlan stated they will fully design the museum when they get to that point, but as of now, they would only like to get approval of placing the museum on that location. The field is not historic and they would like the field to be seen as a more of an active field. There has been over 406 signatures on a petition supporting the project. Additionally, Attorney Harlan stated they have received letters of support from the Rockford School District, the Boys and Girls Club, Rockford University, Mayor McNamara and the Booker Washington Center.

Staff Recommendation was for approval. Objectors and interested parties were present.

Alderman Gabrielle Torina stated she is in full support of this project. Alderman Torina stated she lives in the neighborhood and believes this project will bring in great opportunities for the community. Alderman Torina stated she has personally worked with the IWBC and has seen their work ethic and passion for baseball, women, sports and history. She said the IWBC has respected the historic integrity since the start of this development.

Dr. Kat Williams, President of IWBC, described who the IWBC is and their mission. Dr. Williams stated IWBC is an Illinois not-for-profit that was established in 2014 with the sole mission to preserve and protect the long history of girls and women along with all aspects of baseball. In 2016, a private business donated the property on the west side of Seminary. There were two old buildings on this site that needed to be demolished. Dr. Williams said the county awarded a grant of \$175,000 to help bring the buildings down. Mark Packard was the demo contractor who helped demo the buildings. Dr. Williams stated this site helped bring a lot of vision to the IWBC, who then became dedicated to the City Of Rockford. Throughout this process, Dr. Williams stated, the vision for the activity center became a part of the IWBC mission as a place to help people with their training by having workshops, practices, and batting cages. This would be unique and having access to this type of facility will help the youth of Rockford. Dr. Williams further stated the activity center is a million dollar investment but if it helps these kids not end up in trouble, in the streets, pregnant, refusing going to school, then this million-dollar investment was worth it.

Dan Jacobson, Supervisor of operations for the Rockford Park District, stated the Park District is in full support of the IWBC's project. Mr. Jacobson stated the IWBC and the Park District are ready to invest in the next generation and this project will help reduce juvenile crime.

IWBC advisor, Jim Keeling, spoke in favor of this project. He stated the Rockford Peaches are a unique Rockford brand. He became intrigued with this organization after the 75th anniversary celebration for the Rockford Peaches. Mr. Keeling stated this project would be healthy for community and he would be extremely disappointed if this Special Use Permit does not get approved.

Rosemary Collins spoke in support of the IWBC's zoning application. Ms. Collins stated she speaks on behalf of the children who are exposed to violence, as they need guidance from friends, family and the community. Ms. Collins stated the community they live in can make a huge impact on these troubled children. This youth center will make a great impact on these children's lives. They will be able to learn and participate in various activities. Ms. Collins stated it would not only have a positive impact to the children but to the community and neighborhood. Ms. Collins further stated she would like to embrace the community by approving the center.

Cathy Headley spoke in support of the IWBC's project. Cathy Headley is a professor at Rockford University. Professor Headley stated she loves baseball and grew to love the game at a young age. Professor Headley stated their partnership with the IWBC has helped her students learn how to give back to their community, teach the younger kids, encourage, coach and embrace their heritage.

Bethany Morlan spoke in support of the IWBC's zoning request. Ms. Morlan is a coach for the Little Peaches girl's baseball team. Coach Morlan stated she grew up in the suburbs of Chicago, while watching "A League of Their Own". She attended a women's baseball camp and stated the most amazing women in baseball were the Starfires. Coach Morlan said even though she was not as good as they were, she felt like a Peach after all her hard work in the camp. She stated she decided to become a coach, as it was an opportunity to have the next generation play baseball. Coach Morlan stated the Little Peaches deserve a home to further pursue their dreams of becoming successful baseball players and she supports the IWBC's proposal.

Alderman Tuffy Quinonez was present, Alderman Quinonez spoke in support of the IWBC but stated they should keep the original plans and build across the street. Alderman Quinonez stated this project could be a win-win situation if everybody works together.

Andrew Wright spoke against the IWBC's zoning application. Andrew stated he is opposed to a museum being built on Beyer Park. Mr. Wright stated Beyer Park was in terrible shape and nothing was done but minimum maintenance. It was Greg Schwanke who brought the park back to life. Andrew stated Greg is the one who helped organize the baseball games. Andrew stated he would like the board to deny construction at Beyer Park to protect this historic landmark.

Amanda Bowman spoke in opposition to the IWBC's project. Amanda Bowman is a member of the Rockford Starfires women's baseball since 2013. Ms. Bowman stated she is here to represent her team and her coach Greg Schwanke. Ms. Bowman stated she is not opposed to the building of the museum but is opposed to it being built on the actual Beyer park grounds. Ms. Bowman said the team was here to object to the sale of the land and the museum being constructed. If the deal went through, the building would be constructed on a large part of the original Rockford Peaches left field. This would allow the IWBC to destroy the historic baseball hallowed ground. It would destroy a large portion of the original historical running track, along with the shot put pad. This construction would also take away the parcel of the land where players warm up for games. They won't be allowed to have a warm up area for baseball games, stretching and all along prepare them for upcoming games mentally and physically. Ms. Bowman concluded by saying do not "pave paradise and put up a parking lot" because, after all, it is Rockford hallowed ground.

Amber spoke against the IWBC's zoning request. Amber is a member of the Rockford Starfires women's baseball team. She spoke on behalf of the White Eagle club. Amber read a letter from the White Eagle President and stated they can't support the museum being built at Beyer stadium, this would be injustice for the Rockford Peaches.

Doug King spoke against IWBC's zoning application. Mr. King stated his mother played for the Rockford Peaches for 10 years. Mr. King stated he was told the museum would not be near the ticket booth. Mr. King stated they are only building a parking lot because they said there are some parking lot issues, but there is always parking lot issues everywhere you go. Mr. King stated putting a museum would only take away from the original historic grounds. Mr. King stated he will not donate his mother's jersey if this museum is built on these sacred grounds.

Rachel James spoke against IWBC's project. Ms. James stated she plays for the Rockford Starfires and she has had the love for baseball since she was five years old. Ms. James stated building on this field would take away from them and their community. It means they will break apart their home and family.

Attorney Amanda Martinez was present and spoke on behalf of the objectors and the Friends of Beyer. Attorney Martinez stated the Rockford Historic Preservation Commission voted to deny this proposal. Attorney Martinez stated there are several objections as to proposed location of where this museum will be built. Attorney Martinez submitted packets of exhibits for the Board to consider. The packets included photographs and letters from eight individuals encouraging the Board to deny the zoning request.

Mark Packard spoke against IWBC's zoning request. Mr. Packard stated he owns Packard excavating and was contracted by Greg Schwanke. Mr. Packard stated they were kicked out of Beyer Stadium right before the Historic Preservation Commission meeting. Greg Schwanke is responsible for everything that has been done at Beyer Stadium. The only thing the Park District has done to the Stadium is mow the yard. All the hard work and dedication that has kept the Beyer Field intact has been because of Greg Schwanke and he has done this without being paid.

Greg Schwanke spoke against IWBC's zoning application. Mr. Schwanke stated he started this project through the love of the game. Mr. Schwanke stated he met a lot of people throughout the years at Beyer Stadium. Mr. Schwanke stated IWBC secretly design this project on building on Beyer grounds. He is not against the museum and he would like the museum built across the street. Mr. Schwanke noted that the Friends of Beyer plan to purchase the property South of Beyer Field. Mr. Schwanke stated the educational center is a great idea, but not at Beyer Stadium. Mr. Schwanke further stated the Park District kicked out the Starfires from the field. Mr. Schwanke stated IWBC should be ashamed.

Attorney Martinez stated they have petitions from objectors who are against this proposal. Attorney Martinez stated the Historic Preservation Commission denied this application and would like the board members to look further into this application on whether this a great spot for the museum to be built.

Attorney Sherry Harlan responded there is not an alternative location to build this museum and she would like the board to consider the proposal as presented this evening.

Dr. Kat Williams responded that the Starfires have not been kicked out from Beyer Stadium and they have not rejected the work Greg Schwanke has done. Dr. Williams stated it is easy for everyone talk about relocating the museum as if it were easy to do but it is much more complicated.

Tom Fabiano asked if the activity center will be located within the acre. Dr. Williams responded by pointing out where the activity center will be located which is on the west side of Seminary. Mr. Fabiano asked if there will be enough room to put the activity center, museum and parking lot on the same spot. Jeff Linkenheld from ARC Design responded if they did not have the parking lot, the museum could fit next to the activity center.

Craig Sockwell asked if they could purchase the land next to Beyer Stadium going south. Dr. Williams responded that someone has bought that property and is not available. Furthermore, Dr. Williams stated they do not have the money to buy the property.

Jennifer Smith asked if they could talk about the phases of construction. Dr. Williams responded the outdoor museum and activity center would start construction in the Spring of 2022.

The Board discussed how much information was presented to them this evening. There was a lot to absorb here. After a brief discussion, they decided it might be best to lay this item over so they could have some time to review the exhibits.

A **MOTION** was made by Craig Sockwell to **LAYOVER** a Special Use Permit for a Planned Unit Development for a museum campus, activities center, baseball field and parking lot in an I-1, Light Industrial Zoning District and R-2, Two-family Residential Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 4-2 with Dan Roszkowski and Jennifer Smith voting nay.

ZBA 029-21

Applicant
Ward 4

7450 Ryebrook Road

Kelly Dowda

Variation for a driveway addition in the front yards along Ryebrook Road and Ryebrook Court in an R-1, Single-family Residential Zoning District

Laid over from July

The Applicant, Kelly Dowda, was present. Ms. Dowda is requesting a variation for a driveway addition along Ryebrook Road and Ryebrook Court. Ms. Dowda stated they have a truck parked at her husband's employer's warehouse. They are not using the truck to store anything for the summer and winter. Ms. Dowda stated they have no problem doing landscaping and would have this paved by wintertime.

Jennifer Spencer asked if the denial for this application is due to paving in the front yard. Scott Capovilla responded that was correct.

Staff Recommendation was for Denial. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer to **APPROVE** a variation for a driveway addition in the front yards along Ryebrook Road and Ryebrook Court in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-1 with Dan Roszkowski voting nay.

Approval is based on the following conditions:

1. Provide landscaping next to the driveway to screen the vehicles.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
FOR A DRIVEWAY ADDITION IN THE FRONT YARDS
ALONG RYEBROOK ROAD AND RYEBROOK COURT
IN A R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 7450 RYEBROOK ROAD**

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 034-21

Applicant
Ward 14

4651 Linden Road

Attorney Hal Morris for Nicor Gas Company

Special Use Permit for a 150-foot monopole radio tower in an R-1, Single family Residential Zoning District and I-1, Light Industrial Zoning District

The applicant, Attorney Hal Harris, represents Nicor Gas Company. He was present along with Technical Advisor Jim Vogel. Attorney Harris stated his client is seeking approval for a special use permit for a 150-foot structure wireless communication tower as it is used for radio communications for Nicor's operations. Attorney Harris clarified that this is not a cellular tower. Attorney Harris stated they meet the city ordinances, as this will be a monopole tower and not the lattice tower that is currently in existence. They have agreed to comply with staff recommendations except for condition #2, paving around the tower. The area around the tower is an outside storage area for Nicor construction materials that is currently gravel. They are requesting to keep it gravel and will not add anything to it.

Dan Roszkowski asked if the current tower is 150 feet or 160 feet. Mr. Vogel responded he believes the current tower is 160 Feet. Attorney Harris stated this proposed tower will be a monopole tower as opposed to the old lattice tower.

Jennifer Smith asked how much of the area will remain gravel. Mr. Vogel responded the back area is already gravel, so they would just install the monopole within the existing gravel and no expansion would be done.

Mike Rotolo inquired if public safety entities like fire or police would be able to use this tower for their radio equipment. Attorney Morris said, yes, it would be considered.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for a 150-foot monopole radio tower in an R-1, Single family Residential Zoning District and I-1, Light Industrial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

Approval is based on the following conditions:

1. Must meet all applicable building and fire codes.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A 150-FOOT MONOPOLE RADIO TOWER IN AN R-1, SINGLE FAMILY RESIDENTIAL
ZONING DISTRICT AND I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 4651 LINDEN ROAD**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-1 and I-1 Districts in which it is located.

ZBA 035-21

Applicant
Ward 3

1534 National Avenue

John & Sara Leib

Variation to increase the maximum allowed fence height in the front yard along Sherman Street from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District

The applicants, John and Sara Leib, were present. Ms. Leib stated she lives at 1534 National Avenue and her desire is to replace a deteriorating six-foot fence with a new one at the same location. There will be no new changes made with this replacement. The replacement will not increase any type of value in the neighborhood. Ms. Leib stated she knows the height requirements for a corner lot is 4 feet because of traffic visibility, but in this case, it will not be an issue due to her house facing National Avenue. She stated the adjacent neighbors are in support of this proposal.

Jennifer Spencer asked if there is a fence behind a hedge. Ms. Leib responded there are vines attached to the fence. Ms. Leib stated they have lived there for 33 years and the fence with the vines were there long

before they even moved in. Ms. Leib stated they keep it neatly trim and don't let it get higher than the fence. Mr. Leib responded they are going to keep the vines when the new fence is put up.

Craig Sockwell asked how tall the vines are. Mrs. Leib responded they go right on top of the 6-foot fence.

Staff Recommendation was for Denial. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Spencer to **APPROVE** variation to increase the maximum allowed fence height in the front yard along Sherman Street from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO INCREASE THE MAXIMUM ALLOWED FENCE HEIGHT IN THE FRONT YARD ALONG
SHERMAN STREET FROM 4 FEET TO 6 FEET
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1534 NATIONAL AVENUE

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 036-21

Applicant
Ward 2

2308 Crosby Street

Tim & Kim Meyer

Variation to increase the maximum allowed fence height in the front yard along Crosby Street from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District

The Applicants, Tim and Kim Meyer, were present. Mr. Meyer is requesting a variation to increase the maximum allowed fence height in the front yard. Mr. Meyer stated he had a letter from his alderman,

Johnathan K. Logemann and from that letter, read the following: "I wanted to voice my support for the Meyers and their request for a 6-foot fence on their side yard of their corner lot. The Meyers have struggled with property theft multiple times causing over \$5,000 in claims. The last theft encounter was August 3, 2021."

Mr. Meyer stated they would like to have the 6-foot fence, in order to keep people out of their yard. The first theft encounter they broke into their shed and stole a snow blower, the second theft they stole a fire table and lawn furniture and that is why the fence was put up. During the third theft, the suspects pried off the wood panels of the fence, which was caught on camera by a neighbor. Mr. Meyer stated his wife takes out the dog around five in the morning and that's when the last theft encounter was done just twenty minutes before his wife let out the dog. He further stated that this 6-foot fence is a security issue for them to feel safe in their own home.

Kim Johnsen asked when they put the fence up. Mr. Meyer stated it was last Fall. The most recent theft, the fence was already installed so someone came and broke the panels off the fence. Mr. Meyer responded that the thieves used a crowbar and came back multiple times thru the night to remove the boards.

Staff Recommendation was for Denial. No objectors or interested parties were present.

A **MOTION** was made by Tom Fabiano to **APPROVE** variation to increase the maximum allowed fence height in the front yard along Crosby Street from 4 feet to 6 feet in an R-1, Single-family Residential Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Subject to the restrictions as outlined in Exhibit D.

FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO INCREASE THE MAXIMUM ALLOWED FENCE HEIGHT IN THE FRONT YARD ALONG
CROSBY STREET FROM 4 FEET TO 6 FEET
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 2308 CROSBY STREET

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation is based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 037-21

Applicant
Ward 5

1303 South Main Street

Attorney Andrew Vella for Dale Sims

Special Use Permit for an auto sales lot in a C-3, General Commercial Zoning District

The applicant, Dale Sims, was present along with his attorney, Andrew Vella. Attorney Vella stated he is requesting a special use permit for 1303 South Main Street. The property was originally a gas station back in 1955 and then for the last 15 years it was a repair shop that has been vacant for the last year. Attorney Vella stated to the south of the property is a liquor store, to the East is a vacant lot, and further to the east is the La Chiquita Grocery Store. The business will be the sale of used auto sales. The property consists of an office, bathrooms, two garage bays and parking for vehicles and customers. The hours of operations will be from 10:00 am to 6:00 pm, Monday thru Saturday with business being closed on Sundays. There will be security cameras installed on the property as well.

Jennifer Spencer asked how many cars on average will be on the lot. Attorney Vella responded an average of twenty-five with a maximum of forty for sale. Ms. Spencer asked how are they able to fit that many cars on the site. Attorney Vella responded they believe that's how many they can fit and will still have space for customer parking.

Craig Sockwell asked what the price range of the vehicles that will be for sale. Mr. Sims responded \$10,000 and under.

Jennifer Smith asked if he is currently running a business like the one he is requesting. Mr. Sims responded he has been working in auto sales for over ten years.

Jennifer Spencer inquired about the fence in the back of the property. Attorney Vella responded that it was an existing fence to keep people out of that area.

Ms. Smith inquired what is the condition of the pavement. Attorney Vella responded he is not fully aware of the condition of the pavement. Scott Capovilla responded there might be some patching that would need be done.

Mr. Sockwell asked if it is concrete or asphalt. Mr. Sims responded it is concrete.

Ms. Smith asked if they could provide a more detailed site plan that will lay out exactly where the cars will be parked for sale and for the customers parking. Mr. Sims responded that he would provide a more detailed plan. Ms. Smith asked if there are any existing signs. Mr. Sims responded there are no signage.

Staff Recommendation was for denial. No objectors or interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for an auto sales lot in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a revised site and landscaping plan indicating sales display area, number of vehicles for sale and customer parking for Staff's review and approval.
3. Hours of operation will be Monday through Saturday from 10:00 am to 6:00 pm.
4. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
5. There shall be no outside storage of tires.
6. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR
AN AUTO SALES LOT
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 1303 SOUTH MAIN STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-3 District in which it is located.

ZBA 038-21

Applicant
Ward 13

300 Elm Street

Rockford Area Venues Entertainment Authority / Metro Centre
Special Use Permit to increase the maximum allowable square footage for an electronic message display sign from 36 square feet to 704 square feet for an electronic message display wall sign in a C-4, Urban Mixed-Use Zoning District

The applicant, Gretchen Gilmore of RAVE, was present along with architect, Erik Jertson. RAVE is requesting a special use permit for an electronic message display board on the corner of Elm and South Main Streets. Mr. Jertson stated this is part of a large renovation project for the BMO Harris Bank Center. The electronic message board will be part of the renovation of the box office and entrance.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** Special Use Permit to increase the maximum allowable square footage for an electronic message display sign from 36 square feet to 704 square feet for

an electronic message display wall sign in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Submittal of a sign permit with sign elevation.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
TO INCREASE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR ELECTRONIC MESSAGE
DISPLAY SIGNS FROM 36 SQUARE FEET TO 704 SQUARE FEET FOR THREE ELECTRONIC
MESSAGE DISPLAY WALL SIGN
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 300 ELM STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-4 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 9:18 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals